

1                   THE COURT: I'm not telling you what to do. I just  
2 -- you know, you present me with these papers and as I look at  
3 them, I see problems. You want me to issue an order for  
4 trustee process with respect to property that is not standing  
5 in the name of the only defendant in this Court. So, what  
6 jurisdiction do I have to do that?

7                   MR. GANNETT: Well, we're also adjudicating Miss  
8 Tsui's interest in this as well, and it's our position --

9                   THE COURT: Well, she's not a defendant either.

10                  MR. GANNETT: That's true.

11                  THE COURT: So, how are we adjudicating her  
12 interest?

13                  MR. GANNETT: Well, I read this transcript, Judge,  
14 and I said that -- you said, "Will you agree to dismiss the  
15 Superior Court?" I said, "Yes, absolutely."

16                  THE COURT: Yes, but you have got to have the right  
17 parties here.

18                  MR. GANNETT: Then I'll amend -- is there an  
19 agreement? I can amend the complaint to name husband -- the  
20 husband, Ching-Yee Tsui.

21                  THE COURT: I don't know why you need an  
22 agreement. You file a motion, present it to the other side,  
23 and then add the party. But at the moment, I understood that  
24 Miss Tsui was in here for the purpose of having a deposition  
25 taken, since she has no interest other than possibly as a

1 successor, but maybe not even that. I mean, I don't know. I  
2 don't know what her interest is, but I would -- you know,  
3 having now ordered this deposition and having worked out the  
4 terms on which the deposition is to be taken, I will now leave  
5 it to you, Mr. Gannett, to fix up the pleadings in such a way  
6 that you can get the relief that you are seeking, because right  
7 now, the pleadings do not permit me to do much of anything that  
8 you want me to do, since the parties against whom you want  
9 relief are not here.

10 MR. GANNETT: Okay. Then I'll amend them.

11 THE COURT: But, I mean, I'm not telling you what  
12 to do. I'm just telling you, I can't do what you want me to  
13 do.

14 So, now, after the -- I suggest that if you're  
15 going to do any of that, you do it before this deposition takes  
16 place, so that when we next get together, at least the  
17 pleadings are in proper shape.

18 MR. GANNETT: Okay.

19 THE COURT: But whether you can do it within that  
20 period of time, I don't know. In the meantime, if you want to  
21 proceed with the state court with all of this, I don't have any  
22 objection to it. You decide what you want to do.

23 MR. FEINMAN: Your Honor, I just have one last  
24 point, and I raise this point because if and when we come back  
25 to this Court, I don't want to come back with the issues that

1 you raised where -- that you don't want to have to address;  
2 namely, that there are problems at the deposition. I don't  
3 want to have to deal with that either, and I think that based  
4 upon the arguments that I've heard thus far, my understanding  
5 is that the purpose of the deposition is solely to address and  
6 deal with the matters relating to the Chelmsford property, the  
7 proceeds of which are in escrow. Mr. Gannett is now raising  
8 issues of mutual funds, and so forth, and so on, and I just  
9 want to know what the scope of this deposition is. That's what  
10 I'm looking for. My understanding --

11 THE COURT: Well, according to the complaint that  
12 exists now, I think it is the interest in the Chelmsford  
13 property, I think.

14 MR. FEINMAN: Then I'm satisfied with that, your  
15 Honor, so long as we are still limiting this to the Chelmsford  
16 property.

17 THE COURT: I mean, the pleadings have to govern  
18 the case because that's all we have. So, whatever the  
19 pleadings suggest is what the deposition can do.

20 MR. FEINMAN: I'd be satisfied with that, your  
21 Honor, that direction.

22 MR. GANNETT: Well, I think that there's much more  
23 than these people have together than the Chelmsford property  
24 and I anticipate instructions not to answer. For instance, you  
25 have Systems Communication, which is the source of this -- the

1 source of the funds for that house. She claims she's a  
2 co-owner of that, of that entity. That's Michael Tsui's stand-  
3 alone business, has been since the '80s. So, I can see that  
4 we're going to have instructions not to answer or this is not  
5 part of the case. That's where I see this going and there is  
6 -- we have sent Miss Tsui the subpoena. We sent it to  
7 Mr. Levin and Mr. Levine with 31 documents for the riders.  
8 Now, this has been part of the case since September 22nd, when  
9 she was supposed to be at the Mass. Bar Association and she  
10 didn't show up, with no notice to me. I just sat there for an  
11 hour or more doing nothing.

12 THE COURT: Okay. The complaint recites that on  
13 October 5th, 2000, the Massachusetts Superior Court entered the  
14 judgment in the amount of \$202,000, plus some, against Tracy  
15 Chen, who is, I guess --

16 MR. FEINMAN: Wife one.

17 THE COURT: -- wife one, arising from various  
18 obligations from Tracy Chen's ownership. So, it's not the  
19 husband. It's wife number one who is the judgment debtor,  
20 according to the complaint.

21 MR. GANNETT: Well, the judgment debtor is also  
22 wife -- is also the husband.

23 THE COURT: It doesn't say that.

24 MR. GANNETT: Then I'll amend it, Judge, but that's  
25 -- but that is clearly what's going on in this case and it's --

1                   THE COURT: It may be clear to you, but it surely  
2 isn't clear to me.

3                   MR. GANNETT: Well, I'll draft a very explicit  
4 detailed factual basis.

5                   THE COURT: You don't have to make it detailed.  
6 You just have to make it accurate. I mean, this complaint is  
7 against Tracy Chen alone for an interest in property that she  
8 had and the judgment that arose out of that interest. That's  
9 what this case is about. It doesn't mention the husband at  
10 all.

11                  MR. GANNETT: I'll amend it.

12                  THE COURT: The deposition shall cover only such  
13 matters as are covered in the pleadings and the pleadings will  
14 have to be served by that time in order for them to understand  
15 what it is that they're subject to. I mean, this is a mess,  
16 sorry to say.

17                  So, do we understand each other about the  
18 deposition? And the deposition is to be limited to the issues  
19 that are raised by the pleadings, properly raised in the  
20 pleadings.

21                  MR. FEINMAN: And right now that stands just as the  
22 Chelmsford property, is that --

23                  THE COURT: That's what it says.

24                  MR. FEINMAN: Thank you, your Honor.

25                  THE COURT: All right.

1 MR. FEINMAN: Thank you very much for your  
2 assistance.

3 THE COURT: Now, we need to set another date after  
4 that.

5 MR. FEINMAN: Yes.

6 THE COURT: How about the end of May?

7 THE CLERK: The 31st, that's a Tuesday.

8 MR. GANNETT: That sounds fine, your Honor.

9 MR. FEINMAN: That's open for me, Judge.

10 THE CLERK: Okay. The 31st, at 2:00.

11 MR. FEINMAN: 31st at 2 p.m.?

12 THE COURT: At 2:00.

13 THE CLERK: At 2:00, yes.

14 THE COURT: And on that occasion I wish counsel to  
15 be prepared to tell me where we go from here. I mean, I assume  
16 that if this case is to be the only case and the Superior  
17 Court, in fact, gets dismissed, the next issue that will need  
18 to be decided is whether or not Tracy Chen has an interest or  
19 really who has a proper interest in the real estate in  
20 Chelmsford.

21 MR. GANNETT: Okay.

22 THE COURT: And then the judgment will have to be  
23 entered about that.

24 MR. FEINMAN: Your Honor, just for housekeeping,  
25 may I assume that the order to show cause is released?

1 THE COURT: No. I'm holding it.

2 MR. FEINMAN: Okay. I just wanted to clarify.

3 THE COURT: Right. No. No. It's still out  
4 there. She's not free and clear yet.

5 MR. FEINMAN: I didn't expect so.

6 THE COURT: All right. See you in a month or so.

7 MR. FEINMAN: Thank you very much.

8 MR. GANNETT: Thank you, your Honor.

9 (Adjourned, 2:32 p.m.)

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#### CERTIFICATE

14 I, Catherine A. Handel, Official Court Reporter of  
15 the United States District Court, do hereby certify that  
16 the foregoing transcript, from Page 1 to Page 25,  
17 constitutes to the best of my skill and ability a true  
18 and accurate transcription of my stenotype notes taken  
19 in the matter of Civil No. 04-11456-RWZ, General  
20 Electric Mortgage Insurance Corporation vs. Chi Chen.

21

22

23 8-19-05  
Date

  
Catherine A. Handel, RPR-CM

24

25

**COPY**

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UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF MASSACHUSETTS

**RECEIVED**

GENERAL ELECTRIC MORTGAGE )  
INSURANCE CORPORATION, )  
Plaintiff, ) APR 07 2005  
Judgment Creditor, ) GANNETT & ASSOCIATES  
vs. ) Civil Action No.  
CHI CHEN, A/K/A CHI CHEN HU, )  
A/K/A TRACY CHEN, ) 04-11456-RWZ  
Defendant, )  
Judgment Debtor. )

**RULE 65 HEARING**

BEFORE THE HONORABLE RYA W. ZOBEL  
UNITED STATES DISTRICT COURT JUDGE

United States District Court  
John J. Moakley U.S. Courthouse  
1 Courthouse Way  
Boston, Massachusetts 02210  
March 29, 2005  
2:41 p.m.

\* \* \* \* \*

CATHERINE A. HANDEL, CM  
Official Court Reporter  
John J. Moakley U.S. Courthouse  
1 Courthouse Way, Room 5205  
Boston, MA 02210  
(617) 261-0555

1       that she appear in Boston for deposition to answer about her  
2       contentions that -- she's had four lawyers --

3                 THE COURT: If she doesn't answer them, then she  
4       gets defaulted. If she doesn't follow the Court order, she  
5       gets defaulted, I think.

6                 What about that, Mr. Fineman? Why could I not do  
7       that? She may not be a defendant, but she is before the Court  
8       as an interested party and she has been ordered to do things by  
9       the Court that she has utterly failed to do.

10                MR. FEINMAN: If I may, your Honor, I think it  
11       comes down to that which I alluded to in my opposition, which  
12       is there's an issue -- and, you know, your Honor, I've only  
13       been new to this case, relatively new.

14                THE COURT: It doesn't matter.

15                MR. FEINMAN: I understand. I think there's a  
16       significant problem of both procedure and substantive due  
17       process because my client is not a party and there is no  
18       allegation against my client that we can defend. What is --

19                THE COURT: Yes, there is. The allegation is that  
20       the property that stood in her name is not properly hers, that  
21       she is, in effect, the owner of property belonging to her  
22       husband.

23                MR. FEINMAN: But, your Honor, is that by resulting  
24       trust, by constructive trust, by fraudulent transfer, by  
25       agency? There is absolutely -- I have no idea what to defend,

1 and this is what I've been trying to say both in this Court --

2 THE COURT: Well, tell me what you want Mr. Gannett  
3 to do. You know, he has a right --

4 MR. FEINMAN: I understand that.

5 THE COURT: Whether she is a party or a witness, he  
6 has a right to examine her and she has absolutely thwarted  
7 every attempt that he has made to do that.

8 MR. FEINMAN: My last discussion with  
9 Mr. Gannett -- and I understood the issue about his service of  
10 the subpoena in this Court. I had asked Mr. Gannett if he  
11 would provide to me evidence of the return of service.

12 THE COURT: Oh, come on.

13 MR. FEINMAN: No. No. In light of this Court's  
14 denial of the motion to quash, if I saw the return of service,  
15 which I have not been provided, I could advise Miss Tsui she  
16 has no other choice but to appear. I haven't had the  
17 opportunity to give her that advice because I've been waiting  
18 for a copy of the return of service. Now --

19 THE COURT: Are you suggesting when he told you  
20 that he had served her in accordance with the rule, that he had  
21 not?

22 MR. FEINMAN: No. No. No. Your Honor, I'm not  
23 alluding anything. The tone that I bring to this case is  
24 totally different than what Mr. Levine brought to this case,  
25 your Honor. I don't suggest that at all, and I would not have

1 understand the pleadings, it is that she is named as an  
2 interested party. Mr. Gannett is trying to find out precisely  
3 what her interest is and whether she or the judgment creditor  
4 owns the property that he's looking for, and he has  
5 appropriately tried to depose her, and she has inappropriately  
6 avoided being deposed.

7 So, now, because she is named, because she was  
8 served, I'm ordering her to show cause why she -- you know,  
9 what evidence she has that she is the proper owner of this  
10 property. If she is the proper owner, he has no right to get  
11 it away from her. If she is not, then maybe he does. He still  
12 has to show it's Mr. Hunt's property, or whose -- or whatever  
13 his name is.

14 MR. FEINMAN: I suppose that --

15 THE COURT: But at the moment, she's in default of  
16 an order of the Court, and that is what I'm hanging my hat  
17 on -- I hope that I'm hanging my hat on for the next order that  
18 I'm proposing, unless you tell me that there is something  
19 seriously wrong with this, but I don't think so.

20 MR. FEINMAN: But, again, your Honor --

21 THE COURT: She's getting lots of process, due and  
22 otherwise.

23 MR. FEINMAN: Well, she is getting lots of process,  
24 but the problem, again -- and I don't want to beat a dead horse  
25 on this -- is that now the Court's ruling creates a second

1 challenge and that is, if I understand correctly, that the  
2 burden has now shifted to my client.

3 THE COURT: Well, yes, because she won't come  
4 forward to answer questions that she has an obligation to  
5 answer if properly served.

6 MR. FEINMAN: If there could be some type of a  
7 framework or limitation or something set up where I understand  
8 the nature of the allegations -- your Honor, we could go  
9 through this process and in the absence of a complaint, in the  
10 absence of claims or allegations specifically, if Mr. Gannett  
11 loses, he still continues in the Superior Court, because --  
12 where is res judicata? Where is this --

13 THE COURT: Judge Chernoff is deferring to this  
14 Court at the moment. That's very clear.

15 MR. FEINMAN: Well, actually, when we were before  
16 Judge Chernoff, when we were arguing this case before Judge  
17 Chernoff, I provided him with a copy of my opposition that you  
18 have filed with this Court.

19 THE COURT: Are you going to say she's going to  
20 appear in the Superior Court --

21 MR. FEINMAN: No. No. No. Here what --

22 THE COURT: -- but she won't appear in this Court?  
23 Are you saying she's going to appear in this Court?

24 MR. FEINMAN: I'm saying, in response to this  
25 Court's order, I don't know that she has any choice.

1       first instance, it is important that she answer what she has  
2       been asked and provide the details as to how she got this  
3       property. The plaintiff is entitled to know that, and once he  
4       knows that, the plaintiff might very well decide to give up on  
5       the case or he might decide to pursue it. If he decides to  
6       pursue it, I totally agree with Judge Chernoff, there has to be  
7       an evidentiary hearing, and if the parties think there should  
8       be a jury trial on that, we can have a jury trial.

9                    MR. FEINMAN: Thank you, your Honor.

10          MR. GANNETT: In terms of mechanics, your Honor --  
11       I heard what the Court said. In terms of that she has to show  
12       cause here, are you suggesting there be a show cause hearing in  
13       the nature of an evidentiary --

14          THE COURT: I believe so, because if she doesn't  
15       appear, then, although she is only an interested party, I'm  
16       inclined to say that you're entitled to the money because she's  
17       not following the Court's orders. So, as a sanction for  
18       refusing the Court's order, if nothing else, you're entitled to  
19       get the money.

20          MR. GANNETT: Okay. Then what about prior to this  
21       show cause hearing, am I entitled to take her examination and  
22       have her produce the documents we've requested of her for two  
23       years, more than two years?

24          THE COURT: Why don't we say she has a choice; she  
25       either comes to a deposition and explains it or she comes into

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

MIDDLESEX COUNTY SUPERIOR COURT  
CIVIL ACTION NO. 03-451-L2

---

)  
GENERAL ELECTRIC MORTGAGE )  
INSURANCE CORPORATION, )  
Plaintiff, )  
)  
vs. )  
)  
CHENG-YIH HU, )  
Individually, )  
Defendant, )  
)  
and )  
)  
SYSTEM COMMUNICATIONS, INC., )  
Reach and Apply )  
Defendant. )  
)

---

CERTIFICATE OF NONAPPEARANCE OF CHING YEE M. TSUI,  
taken on behalf of the Plaintiff, pursuant to the  
applicable provisions of the Massachusetts Rules of  
Civil Procedure, before Marcia Danilecki, Certified  
Shorthand Reporter and Notary Public in and for the  
Commonwealth of Massachusetts, taken on Tuesday,  
September 23, 2003, commencing at 12:38 p.m.

DANILECKI REPORTING  
234 Governors Road  
Quincy, MA 02169  
(617) 745-9786

1           A P P E A R A N C E      P A G E

2           ON BEHALF OF THE PLAINTIFF:

3           RICHARD W. GANNETT, ESQ.

4           Gannett & Associates

5           11 Beacon Street

6           Boston, Massachusetts 02108

7           (617) 367-0606

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1                   I N D E X  
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3                 STATEMENT BY MR. GANNETT ..... PAGE 4  
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## PROCEEDINGS

2 MR. GANNETT: This is a deposition  
3 under Mass. Rules of Civil Procedure 30 and 45 of a  
4 woman by the name of Ching Yee M. Tsui, C-H-I-N-G,  
5 another word Y-E-E, middle initial M. like mother, last  
6 name is Tsui. T-S-U-I.

7 Today is September 23rd, 2003, and this had  
8 been noticed for noontime at the Mass. Bar Association.  
9 No one is here from the deponent, and the deposition  
10 subpoena was served upon Ms. Tsui through her attorney  
11 Eric N. Levine -- Eric L. Levine, excuse me, at  
12 8 Winter Street, Boston, Massachusetts.

I did get certain correspondence from  
Mr. Levine's successor counsel, Kenneth Levine,  
indicating that they would not appear based on certain  
statements they made. For that reason, I'm suspending  
the deposition until such time that we can make  
appropriate orders in the Superior Court, Middlesex  
County, in Lowell.

20 That's it.

(Statement concluded at 12:39 p.m.)

1 COMMONWEALTH OF MASSACHUSETTS

2 COUNTY OF NORFOLK

3  
4 I, Marcia Danilecki, a Certified Shorthand  
5 Reporter and Notary Public in and for the Commonwealth  
6 of Massachusetts, do hereby certify that the foregoing  
7 statement was taken down stenographically by me via  
8 telephone at 12:38 p.m. on the 23rd day of September,  
9 2003.

10 I further certify that I am neither counsel  
11 for nor related to any party to said action, nor in any  
12 way interested in the outcome thereof.

13 Subscribed and sworn to on this, the 23rd day  
14 of September, 2003.



20 Marcia Danilecki

21 Marcia Danilecki, Notary Public in and  
22 for the Commonwealth of Massachusetts  
23 My Commission Expires: May 22, 2009

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-11456-RWZ

---

GENERAL ELECTRIC MORTGAGE )  
INSURANCE CORPORATION, )  
Plaintiff, )  
vs. )  
CHI CHEN, )  
A/K/A CHI CHEN HU, )  
A/K/A TRACY CHEN, )  
Defendant )  
Judgment Debtor. )  
)

---

CERTIFICATE OF NONAPPEARANCE OF CHING YEE M. TSUI,  
taken on behalf of the Plaintiff, pursuant to the  
Federal Rules of Civil Procedure, before Marcia  
Danilecki, Certified Shorthand Reporter and Notary  
Public in and for the Commonwealth of Massachusetts,  
taken on Wednesday, September 22, 2004, commencing at  
10:54 a.m.

DANILECKI REPORTING  
234 Governors Road  
Quincy, MA 02169  
(617) 745-9786

1           A P P E A R A N C E      P A G E

2           ON BEHALF OF THE PLAINTIFF:

3           RICHARD W. GANNETT, ESQ.

4           Gannett & Associates

5           165 Friend Street, Suite 200

6           Boston, Massachusetts 02114

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STATEMENT BY MR. GANNETT ..... PAGE 4

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E X H I B I T S

5

NO.	DESCRIPTION	PAGE
1	Subpoena and Rider A .....	6
2	Notice of Taking Deposition .....	7
3	Affidavit of Richard W. Gannett .....	7

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## P R O C E E D I N G S

2 MR. GANNETT: This is the deposition  
3 of Ching Yee M. Tsui, C-H-I-N-G Y-E-E M. T-S-U-I.  
4 This is a civil action entitled General Electric  
5 Mortgage Insurance Corporation vs. Chi Chen, a/k/a Chi  
6 Chen Hu, a/k/a Tracy Chen, and the docket number is  
7 2004-11456-RWZ pending in the U.S. District Court for  
8 the District of Massachusetts.

9 Today is September 22nd, 2004, and this  
10 deposition is being conducted at the Massachusetts Bar  
11 Association, 20 West Street, Boston, Massachusetts 02111  
12 in the United States of America.

13                   This deposition was noticed on August 20th,  
14 2004 and a copy of the subpoena and a three-page Rider A  
15 enumerating 31 separate documents to be produced at this  
16 deposition was sent on August 20th, 2004 to Ching Yee M.  
17 Tsui, and her address is 1303A Yuet Fung House. That's  
18 Y-U-E-T F-U-N-G. Yifung Court, Polei Street,  
19 Y-I-F-U-N-G C-O-U-R-T, P-O-L-E-I, Kwaichung, New  
20 Territories, Hong Kong. Kwaichung is spelled  
21 K-W-A-I-C-H-U-N-G.

22 This was sent by International U.S. Mail and  
23 it was based upon an order in this Civil Action  
24 2004-11456 of August 17th, 2004 by Judge Rya W. Zobel

1 who is presiding in this case.

2 Judge Zobel allowed a motion dated  
3 August 6th, 2004 to serve the witness, Ching Yee M.  
4 Tsui, in Hong Kong and for her to appear in Boston,  
5 Massachusetts.

6 It is now approximately 10:55 a.m. and we are  
7 at the Massachusetts Bar Association, the location that  
8 is reflected on the subpoena. Ms. Tsui is not present.  
9 Her counsel is not present, and that is Michael R.  
10 Levin, L-E-V-I-N. There's another lawyer involved in  
11 this case, Kenneth M. Levine, who has been corresponding  
12 with me, but the principal attorney in this matter is  
13 Michael R. Levin, L-E-V-I-N.

14 Neither Mr. Levin or Mr. Levine have called  
15 me this morning to communicate their nonpresence or the  
16 fact that they're busy or they've been delayed in  
17 traffic or the like or some medical issue has arisen. I  
18 have received no communication whatsoever.

19 And there is a motion to quash this  
20 deposition filed by Ching Yee M. Tsui which the  
21 plaintiff in this case, General Electric Mortgage  
22 Insurance Corporation, has opposed in writing, and there  
23 has been no ruling on that. It is my understanding that  
24 if there were to be a ruling it would have been

1 adjudicated already in time for this deposition.

2                   The last order of this court is that this  
3 deposition may take place, and we have complied with all  
4 of the applicable rules and procedures to hold this  
5 deposition in Boston, Massachusetts. We have filed all  
6 the affidavits and papers with the U.S. District Court  
7 in Docket Number 2004-11456-RWZ. RWZ is the Judge's  
8 initials.

9                   On August 20th, 2004, I filed an affidavit  
10 with the U.S. District Court stating that I had,  
11 in fact, served the Subpoena with the Rider A on  
12 Ching Yee M. Tsui at her address that I had recited  
13 prior this morning, and based upon her nonappearance,  
14 we're going to suspend at this time and we're going to  
15 take the appropriate remedies with the appropriate  
16 court.

17                  MR. GANNETT: Let's get all these  
18 marked. Exhibit 1 is the Subpoena and Rider A which is  
19 three pages.

20                  (Exhibit No. 1 marked for  
21 identification.)

22                  MR. GANNETT: Exhibit Number 2  
23 is the Notice of Taking Deposition of Ching Yee M.  
24 Tsui.

7

1 (Exhibit No. 2 marked for  
2 identification.)

3 MR. GANNETT: Exhibit Number 3 is  
4 the Affidavit of Richard Gannett regarding service of  
5 the subpoena upon Ching Yee M. Tsui in Hong Kong  
6 pursuant to Judge Zobel's order of August 17th, 2004.

9 (Statement concluded at 11:01 a.m.)

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1 COMMONWEALTH OF MASSACHUSETTS

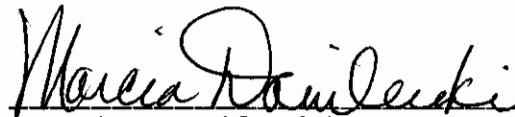
2 COUNTY OF NORFOLK

3  
4 I, Marcia Danilecki, a Certified Shorthand  
5 Reporter and Notary Public in and for the Commonwealth  
6 of Massachusetts, do hereby certify that I was present  
7 at the Massachusetts Bar Association, 20 West Street,  
8 Boston, Massachusetts, on Wednesday, September 22, 2004  
9 at 10 a.m and did remain there until 11:01 a.m of said  
10 date.

11 I further certify that said Ching Yee M. Tsui  
12 did not appear at said time and place.

13 Subscribed and sworn to on this, the 24th day  
14 of September, 2004.



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21 Marcia Danilecki, Notary Public in and  
22 for the Commonwealth of Massachusetts  
23 My Commission Expires: May 22, 2009

24

**CASSETTE COPY ORDER FORM****PART I — TO BE COMPLETED BY PERSON PLACING ORDER**

NAME, ADDRESS AND ZIP CODE OF PERSON PLACING ORDER

RICHARD W. GANNETT

165 FRIEND ST. SUITE 200

BOSTON, MA

02114-2025

NAME OF CASE

LEVINE vs. FEINMAN and CHUNG-YEE M. Tsoi

DOCKET NUMBER OF CASE

2004-257

NUMBER OF COPIES WANTED  
BY THIS PERSON

OTHER

DATE(S) OF RECORDING(S) WANTED

3/07/05; 3/29/05; 3/31/05; 5/03/05

MOST SERIOUS CHARGE, IF CRIMINAL; OTHERWISE, SUBJECT OF PROCEEDING

6/09/05

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**NATURE OF PROCEEDING** CRIMINAL BENCH TRIAL  
 CRIMINAL JURY TRIAL  
 PROBABLE CAUSE HEARING CRIMINAL SHOW CAUSE HEARING  
 CMVI HEARING  
 ABUSE PREVENTION ORDER DELINQUENCY  
 CIVIL TRIAL  
 OTHER (specify): CIVIL MOTIONIs this proceeding presently pending on appeal?  YES  NO

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 I certify that I have notified all other parties of this request.  
(The green copy of this form may be used for this purpose.)

If proceeding was not open to the public or its record has been sealed or impounded: I certify that I have entered an appearance in this matter as:

 counsel for \_\_\_\_\_, a party,  
 a party appearing pro se,  
and that this cassette copy will be used solely for an appeal, or to determine whether to appeal, in the same matter.  
(Copies of closed proceedings are available to other persons or for other purposes only upon motion.)

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SIGNATURE OF PERSON PLACING ORDER

August 29, 2005

DATE ORDER PLACED

**PART II — TO BE COMPLETED BY CLERK-MAGISTRATE'S OFFICE**

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*Dee*

COMMENTS

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30 AUG 05

DATE ORDER SENT TO AODC

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